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INFO RUEHBK/AMEMBASSY BANGKOK PRIORITY 4522

RUEHBJ/AMEMBASSY BEIJING PRIORITY 5956

RUEHHI/AMEMBASSY HANOI PRIORITY 1087

RUEHJA/AMEMBASSY JAKARTA PRIORITY 4389

RUEHML/AMEMBASSY MANILA PRIORITY 1260

RUEHCN/AMCONSUL CHENGDU PRIORITY 0163

RUEHFK/AMCONSUL FUKUOKA PRIORITY 0510

RUEHGZ/AMCONSUL GUANGZHOU PRIORITY 1391

RUEHHM/AMCONSUL HO CHI MINH PRIORITY 0118

RUEHNH/AMCONSUL NAHA PRIORITY 2866

RUEHOK/AMCONSUL OSAKA KOBE PRIORITY 4257

RUEHKSO/AMCONSUL SAPPORO PRIORITY 1083

RUEHGH/AMCONSUL SHANGHAI PRIORITY 0478

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C O N F I D E N T I A L SECTION 01 OF 03 TOKYO 002940

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SUBJECT: JAPAN'S IMPERFECT TRAINEE VISA PROBLEM

Classified By: Classified by Ambassador Schieffer for reasons 1.4b, d.

11. (C) SUMMARY: Surveys show that most of the participants in Japan's Trainee Visa Program are satisfied with their situations. However, the high debt burdens these trainees owe to brokers, and the fact that for the first "trainee" year they actually work full-time for room and board and a small stipend, fundamentally flaws the program. Moreover, a small but significant percentage of trainee visa recipients must deal with problems related to poor living conditions, dangerous work environments, underpayment, and sexual harassment. Aside from seeking help from a handful of NGOs, there is no easy recourse for trainees who run into problems. Recognizing that there are flaws in the program, the ruling LDP plans to introduce legislation next year to address issues related to the trainee visa program. END SUMMARY.

HISTORY AND TRENDS

12. (SBU) Japan's Foreign Trainee Program was first put into place in 1990 as part of the Immigration Policy Revision Law. The legal purpose was "to develop human resources in developing countries" and to provide the trainees with the opportunity "to learn" in Japan. The law expressly stated that "technologies and skills to be gained must not be of types that are gained only by repetitive (simple) operations." JITCO (Japan International Training Coordination Organization) was established to manage the program. In 1993 the trainee program was expanded with the addition of a Technical Internship Program. This allowed for the "transfer and mastery of more practical technologies, and skills, and the acquisition of the knowledge acquired in that training." Under the terms of the addition, 62 different occupations (including 114 specific jobs) were eligible for the use of technical interns. These occupations included the agriculture, fishery, construction, food manufacturing, textile, machinery, and metal industries. Furthermore, the trainees were to be treated as "workers" under the labor standards law. JITCO statistics show that in 2007 the largest percentage of trainees (23%) were working in the textile industry. Some 67% were from China, with all but 6% of the rest from Southeast Asian countries.

13. (C) According to the Ministry of Justice, there were 298,646 unqualified migrants (overstays) in Japan in 1993. By 2008 this had been reduced to 149,785. At the same time,

according to JITCO, the number of trainees, which stood at 36,612 in 1994, increased to 92,846 in 2006, and has surpassed the 100,000 level at present. JITCO statistics show that more than 51% of the trainees are employed in companies with less than 50 employees. According to Ippei Torii, Secretary General of both the "Zentoitsu (All United) Workers Union" and the "Solidarity Network with Migrants Japan", this is no coincidence: "These trainees mostly perform jobs that Japanese consider too dirty, too dangerous, or too low-paying. They are also often doing jobs previously performed by illegal workers, and are often working in those small companies that are most struggling to survive." According to JITCO the percentage of women trainees increased from 33% in 1997 to 55% in 2006. This is mostly accounted for by the increasing use of trainees in the textile and farming sectors.

14. (C) Both NGOs and government officials working with trainee visa workers agree that, in the majority of cases the workers are satisfied and feel they are not being mistreated.

That said, in 2007 a Ministry of Justice (MOJ) survey of companies using trainee visas found problems with 70% of them. Most of these problems were essentially technical in nature, relating to fire safety and insurance issues. However, some NGOs estimate that, based on calls to NGO hot-lines, in some 5 to 10% of the participant companies, more serious problems exist.

A TYPICAL CASE

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15. (C) On October 2, Embassy Tokyo political officer interviewed two Chinese women, part of a group of six Chinese women on trainee visas who had come to work at a small textile factory in Akita Prefecture. Although the company did in fact have six sewing machines to show visitors, the women actually were subcontracted out to work as factory cleaners. For the first year, as trainees, they were given a monthly stipend of 20,000 Yen (approximately USD 200) a month, and room and board. During this first year, after one month of "Japanese language and culture lessons," they worked six days a week, usually 12 hours a day as cleaners. The two women stated they "endured" the first year because they had paid a broker in China 100,000 RMB (approximately USD 14,628), half of which was to be returned upon completion of the contract and their return. (NOTE: Interviews with trainee workers show a wide range of broker fees ranging from approximately 5,000 to 20,000 USD, with varying percentages to be given back upon return. END NOTE)

16. (C) After the first trainee/probationary year, the women extended for two more years, because after the mandatory "trainee" year they became eligible to receive a Japanese minimum hourly wage (for that region) of 588 Yen per hour (approximately USD 5.80 per hour). After deductions for rent (50,000 Yen a month for a converted metal shed), mattress rental (7,000 Yen per month), electricity costs (5,000 Yen per month, though neither the heater nor the air conditioner worked) and various other itemized deductions (water, phone calls, etc.), their monthly pay came to approximately 80,000 Yen, or roughly an hourly rate of 256 Yen (USD 2.50) per hour (calculated on the basis of 6 day work weeks and 12 hour days). A combination of the low pay, bad living conditions, and sexual harassment by the owner, resulted in the six women staging a one-day strike. The next day approximately 12 men burst into their living space and began beating the women up.

Three of the women were forced to return immediately to China. The other three escaped (one jumping from a second floor window and sustaining injuries that required hospital treatment). After hiding in a vineyard, the women went to a convenience store, where an employee did an internet search and found an NGO willing to help.

WHO DO YOU CALL?

¶7. (C) Although JITCO states that companies are investigated for such complaints, the common theme that emerged in several interviews with people familiar with the actual process was that even if a trainee does want to make a complaint, and can manage the linguistic differences or find someone to assist them, there still is no easy recourse. A call to JITCO results in JITCO calling the company that the trainee is complaining about. This has resulted in new threats and/or quick repatriation. Calls to the police result in the police stating this is an issue (underpayment, for example) that needs to be dealt with by a labor union. Most labor unions in turn are not sympathetic, because they view the trainee visa workers as a threat to Japanese workers. Even when a trainee is lucky enough to find an NGO to help, few of them have the resources to stay in Japan long enough to receive just compensation. As Yoshiko Shigeno, Chairman of the Nagoya Roushokuken (Work Disability) Association told political officer, "The trainees can't afford to stay in Japan long after leaving their employer. They are also afraid of working illegally and hurting their case. Few of them stay more than a few months. Of six clients injured working for a sub-subcontractor of Toyota, five had to return home, and only one was able to stay in Japan because she married a Japanese. This makes it difficult to assist these trainees even when we want to."

LEGAL REFORM AND THE BIG PICTURE

¶8. (C) To correct flaws in the trainee visa program while addressing problems related to Japan's aging population and declining birthrate, the ruling Liberal Democratic Party

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(LDP) plans to introduce legislation next year in the Diet. Party documents reveal two different approaches. One, the "Roadmap to a Japanese Style Multi-Ethnic State," calls for using various immigration means to gradually build to an immigrant population that is about 10% of the total Japanese population. (NOTE: As an indication of some of the difficulties this approach might face, a public conference held in the summer of 2008 to discuss the proposal was broken up by right-wing extremist groups. END NOTE). The second document, "A Proposal for Short-term Foreign Workers," would limit the total amount of time that a foreign worker could work in Japan to three years. A third possibility being discussed is to reform the existing laws and regulations. A MOJ spokesman said that the issue of broker fees is difficult to address since it involves laws in the country of origin. Similarly a JITCO spokesman states that so-called "double contracts" involving broker fees and security deposits, are already forbidden but acknowledged they are widespread.

SCHIEFFER